

1 **Rule 19. Extraordinary writs.**

2 (a) **Petition for extraordinary writ to a judge or agency; petition; service and filing.** An
3 application for an extraordinary writ referred to in Rule 65B, Utah Rules of Civil Procedure,
4 directed to a judge, agency, person, or entity ~~shall~~must be made by filing a petition with the ~~clerk~~
5 ~~of the~~ appellate court clerk. ~~Service of t~~The petition ~~shall~~must be ~~made~~served on the respondent
6 judge, agency, person, or entity and on all parties to the action or case in the trial court ~~or~~
7 ~~agency~~. In the event of an original petition in the appellate court where no action is pending in
8 the trial court ~~or agency~~, the petition ~~shall~~must be served personally on the respondent judge,
9 agency, person, or entity and service ~~shall~~must be made by the most direct means available on all
10 persons or associations whose interests might be substantially affected.

11 (b) **Contents of petition and filing fee.** A petition for an extraordinary writ ~~shall~~must contain
12 the following:

13 (b)(1) A statement of all persons or associations, by name or by class, whose interests
14 might be substantially affected;

15 (b)(2) A statement of the issues presented and of the relief sought;

16 (b)(3) A statement of the facts necessary to an understanding of the issues presented by
17 the petition;

18 (b)(4) A statement of the reasons why no other plain, speedy, or adequate remedy exists
19 and why the writ should issue;

20 (b)(5) Except in cases where the writ is directed to a district court, a statement explaining
21 why it is impractical or inappropriate to file the petition for a writ in the district court;

22 (b)(6) Copies of any order or opinion or parts of the record ~~which~~that may be essential to
23 an understanding of the matters set forth in the petition;

24 (b)(7) A memorandum of points and authorities in support of the petition; and

25 (b)(8) The prescribed filing fee, unless waived by the court.

26 (b)(9) Where emergency relief is sought, the petitioner must file a separate petition
27 ~~must~~and comply with the additional requirements set forth in Rule 23C(b), ~~including any~~
28 ~~additional requirements set forth by that subpart.~~

29 (b)(10) Where the subject of the petition is an interlocutory order, the petitioner must
30 state whether a petition for interlocutory appeal has been filed and, if so, summarize its
31 status or, if not, state why interlocutory appeal is not a plain, speedy, or adequate remedy.

32 (c) **Response to petition.** The judge, agency, person, or entity and all parties in the action other
33 than the petitioner shall will be deemed respondents for all purposes. Two or more respondents
34 may respond jointly. If any respondent does not desire to appear in the proceedings, that
35 respondent may advise the ~~clerk of the~~ appellate court clerk and all parties by letter, but the
36 allegations of the petition shall will not thereby be deemed admitted. Where emergency relief is
37 sought, Rule 23C(d) shall must apply ies. Otherwise, within seven days after ~~service of~~ the
38 petition is served, any respondent or any other party may file a response in opposition or
39 concurrence, which includes supporting authority.

40 (d) **Review and disposition of petition.** The court shall will render a decision based on the
41 petition and any timely response, or it may require briefing or ~~the submission of submitting~~
42 request further information, and may hold oral argument at its discretion. If additional briefing is
43 required, the briefs shall must comply with Rules 24 and 27. Rule 23C(f) applies to requests for
44 hearings in emergency matters. With regard to emergency petitions submitted under Rule 23C,
45 and where consultation with other members of the court cannot be timely obtained, a single
46 judge or justice may grant or deny the petition, subject to the court's review ~~by the court~~ at the
47 earliest possible time. With regard to all petitions, a single judge or justice may deny the petition
48 if it is frivolous on its face or fails to materially comply with the requirements of this rule or Rule
49 65B, Utah Rules of Civil Procedure. A petition's ~~The denial of a petition~~ by a single judge or
50 justice may be reviewed by the appellate court upon specific request filed within seven days of
51 notice of disposition, but such request shall may not include any additional argument or briefing.

52 (e) **Transmission of record.** In reviewing a petition for extraordinary writ, the appellate court
53 may order transmission of the record, or any relevant portion thereof, ~~to be transmitted~~.

54 ~~(f) **Number of copies.** For a petition presented to the Supreme Court, petitioner shall file with~~
55 ~~the clerk of the court an original and five copies of the petition. For a petition pending in the~~
56 ~~Supreme Court, respondent shall file with the clerk of the court an original and five copies of the~~
57 ~~response. For a petition presented to the Court of Appeals, petitioner shall file with the clerk of~~
58 ~~the court an original and four copies of the petition. For a petition pending in the Court of~~

59 ~~Appeals, respondent shall file with the clerk of the court an original and four copies of the~~
60 ~~response.~~

61 ~~(g) Issuance of~~ ing an extraordinary writ ~~by appellate court sua sponte~~ on the court's
62 motion. The appellate court, in aid of its own jurisdiction in extraordinary cases, may on its own
63 motion issue a writ of certiorari ~~sua sponte~~ directed to a judge, agency, person, or entity. A copy
64 of the writ ~~shall~~will be served on the named respondents in the manner and by an individual
65 authorized to accomplish personal service under Rule 4, Utah Rules of Civil Procedure. In
66 addition, copies of the writ ~~shall~~must be transmitted by the ~~clerk of the~~ appellate court clerk, by
67 the most direct means available, to all persons or associations whose interests might be
68 substantially affected by the writ. The respondent and the persons or associations whose interests
69 are substantially affected may, within four days of ~~the issuance of~~ the writ's issuance, petition
70 the court to dissolve or amend the writ. The petition ~~shall~~must be accompanied by a concise
71 statement of the reasons for dissolution ing or amendment ing ~~of~~ the writ.